

Moreover, Plaintiff counsel advised that Plaintiff would not be available to appear for her deposition until October 3, 2024.

4. Defendant is not available on the proposed alternative date of October 3, 2024.

5. After reviewing calendar availability for Defendant's counsel of record and in-house counsel for alternative dates to depose Plaintiff, and consulting with Plaintiff's counsel about his and Plaintiff's availability to appear for her deposition, the parties have agreed that Plaintiff could be deposed on Tuesday, October 29, 2024.

6. Because the parties' revised proposed date to depose Plaintiff on October 29, 2024, would be after the October 4, 2024, cutoff of fact discovery, Defendant seeks leave from the Court to now depose Plaintiff on October 29, 2024.

7. Defendant also intends to proceed next week with its previously scheduled and subpoenaed depositions of Plaintiff's mother, sister, and boyfriend, all of whom Plaintiff identified in her written discovery responses as having information relevant to her claims in this case.

8. This request made in good faith and not for purposes of delay.

WHEREFORE, Defendant respectfully requests that the Court grant it leave to depose Plaintiff on October 29, 2024, after the October 4, 2024, close of fact discovery.

Dated: September 20, 2024

Respectfully submitted,

CENTRAL STATES PENSION FUND

By: /Michael S. Ferrell/
Michael S. Ferrell, one of its attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on this 20th day of September, 2024, he caused a copy of the foregoing Defendant's Unopposed Motion for Leave to Depose Plaintiff on October 29, 2024, After the Close of Fact Discovery to be electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF (electronic case filing) system, which sent notification of such filing to the following ECF participants, via e-mail:

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/s/ Daniel R. Simandl
Attorney for Defendant